

# **EXHIBIT 2**

PAUL GUTIERREZ, ESQ. (SBN 66059)  
 ROBERT BELSHAW, ESQ. (SBN 142028)  
 GUTIERREZ ▪ RUIZ, LLP  
 333 Sacramento Street  
 San Francisco, CA 94111  
 Telephone: (415) 398-9000  
 Facsimile: (415) 398-5800

Attorneys for Plaintiff  
 AMERICAN SMALL BUSINESS LEAGUE

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

AMERICAN SMALL BUSINESS LEAGUE	)	CASE NO. C044250 SI
	)	
Plaintiff,	)	
	)	<b>DECLARATION OF ROBERT E.</b>
v.	)	<b>BELSHAW, ESQ. IN SUPPORT OF</b>
	)	<b>INTERIM MOTION FOR ATTORNEYS</b>
UNITED STATES SMALL BUSINESS	)	<b>FEES</b>
ADMINISTRATION	)	<b>[5 U.S.C. §552 (a)(4)(E)]</b>
	)	
Defendants.	)	<b>Date: August 12, 2005</b>
	)	<b>Time: 9:00 a.m.</b>
	)	<b>Courtroom 10</b>
	)	<b>Hon. Susan Illston</b>
	)	

I, Robert E. Belshaw, declare:

1. I am an attorney at law licensed to practice before this court and a member of Gutierrez ▪ Ruiz LLP, attorneys of record in this action for AMERICAN SMALL BUSINESS LEAGUE. I have personal knowledge of the matters herein set forth and, if called and sworn as a witness, I am competent to, and would, testify to the truth of the matters stated.

2. Pursuant to Local Rule 54-5 (b)(1) Counsel for both parties met and conferred on July 7<sup>th</sup> and 8<sup>th</sup> 2005 for the purpose of attempting to resolve any disputes with respect to this motion and were unable to reach an agreement.

3. I am a partner of Gutierrez ▪ Ruiz LLP, i graduated from the Hastings College of Law and was admitted to the State Bar of California and the Northern District in 1989. I have

substantial experience in litigation and appellate work, including labor and employment, wrongful termination, and disability discrimination. My standard and customary billing rate, and the amount actually paid for my services in this matter by plaintiff ASBL, is \$300 per hour. Based upon my knowledge and experience, this rate is significantly lower than prevailing rates for similarly experienced counsel in this market. As of June 30, 2005, I have expended 196.20 hours in prosecution of this litigation for which ASBL paid the amount of \$58,879.23

5. Amber Cottingham, who assisted in the preparation of this motion, is a 2004 graduate of University of California, Davis School of Law where she participated in the King Hall Civil Rights Clinic and gained significant litigation, appellate and writing experience. She was admitted to the State Bar of California in 2004, and is a contract attorney for Gutierrez • Ruiz LLP. Her usual and customary billing rate as a member of Gutierrez • Ruiz LLP is \$130.00, and, as of June 30, 2005, she has expended 20.5 hours in prosecution of this litigation for a total of \$2665.00

6. Ellen Schuster, who assisted in the preparation of this motion, is a 2004 graduate from the University of California, Davis School of Law. Ms. Schuster gained significant litigation experience from her participation in the King Hall Civil Rights Program. She was a paralegal for Gutierrez • Ruiz LLP and conducted research in support of this motion. Her usual and customary billing rate as a member of Gutierrez • Ruiz LLP was \$120.00, and she expended 5.0 hours in prosecution of this litigation for total of \$708.00.

7 This litigation included, but is not limited to, pleadings, discovery, correspondence, law and motion and other necessary legal activities to fully represent my clients. All of these activities and related costs are reflected in invoices sent to my clients for payment. Time records are entered into our Time Matters software program on a daily basis and invoices are created from that program. I personally reviewed each and every invoice and personally authorized the time and expenses to be billed to my clients. No premium was added to either the billing rates indicated and there were no special or additional charges added to the invoices beyond the actual hours and costs expended. There were, however, some instances where specific billings were either not billed to the clients or the amount billed was reduced.

Robert E. Belshaw  
Attorneys for American Small Business  
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